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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,540	12/18/2000	David Robinson	5181-59200	8380

7590 12/03/2004

B. Noel Kivlin
Conley, Rose & Tayon, P.C.
P.O. Box 398
Austin, TX 78767-0398

EXAMINER	
ABEL JALIL, NEVEEN	
ART UNIT	**PAPER NUMBER**
2165	

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/740,540	ROBINSON ET AL.	
	Examiner	Art Unit	
	Neveen Abel-Jalil	2165	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *21-30, 34-35, and 38-44*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

SAM RIMELL
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: The applicant's arguments presented in the "Response to Final Office Action" filled on 20-July-2004, have been fully considered but they are not deemed to be persuasive.

In response to applicant's argument that "Bennett does not teach wherein in response to a request by a client to access said first file, said computing node provides metadata corresponding to said first file to said client " is respectfully acknowledged but is not deem to be persuasive.

The Examiner points to the combination of Manczak et al. with Bennett to disclose the above limitation pointing specifically to Manczak et al. page 3, paragraphs 0023-0026, wherein the client requests for file access can be serviced across a network (e.g. file system) using metadata associated with the file. Also see page 3, paragraph 0031-0033, wherein Bennett teaches accessing specific file stored on a specific file server.

In response to applicant's argument that "Bennett does not teach wherein said client uses said metadata corresponding to said first file to perform a subsequent access to said first file" is respectfully acknowledged but is not deem to be persuasive.
The Examiner points to

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, The Examiner is establishing motivation in obviousness in the knowledge generally available to one of ordinary skill in the art to modify the invention of Manczak et al. with the teachings of Bennett, as explained in the Final office action (Dated 5/20/04).

In response to applicant's argument that "Bennett does not teach using the metadata for a file for subsequent accesses to a file" is respectfully acknowledged but is not deemed to be persuasive.

The Examiner respectfully points to Bennett column 2, lines 14-34 wherein the multiple transfer of individual data is highlighted and emphasized by the applicant as well indicating there are subsequent accesses to the file that are preformed using the metadata stored in the buffer for faster and efficient access. By assigning each file an unique id or description, then the metadata stored with each file can be re-used in the future for accessing the given file again. It is well known in the art that metadata description are used for subsequent access by the client and therefore are stored in a database (See Bennett column 4, lines 10-53). Whether the motivation to combine can be redundant or different from the one pointed to by the Examiner doesn't take away from the fact that the combination of Manczak with the Bennett reference teaches the above mentioned limitation.